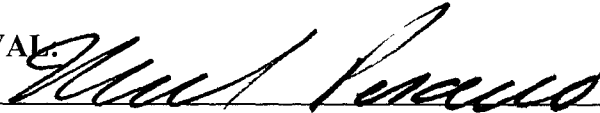


REPORT

DATE: January 3, 2008
TO: Regional Council
FROM: Executive Committee
Donald A. Rhodes, Manager, Legislative Affairs, (213) 236-1840, rhodes@scag.ca.gov
SUBJECT: Executive Committee's Legislative Responsibilities

EXECUTIVE DIRECTOR'S APPROVAL:



RECOMMENDED ACTION:

Authorize the Executive Committee to assume the functions, in addition to its other responsibilities, of a Legislative Committee for the Southern California Association of Governments (SCAG) and approve amendments to the Legislative Protocol to provide for the Executive Committee to carryout those functions.

BACKGROUND:

At its meeting on October 3, 2007, the Executive Committee considered a proposal for the creation of a Legislative Committee. The proposal recommended that either the Executive Committee meet at specified times to perform the functions of the proposed Legislative Committee or that a separate Legislative Committee be formed. The Executive Committee directed SGAC staff to return to a future meeting of the Executive Committee with recommendations regarding the potential formation and membership of a Legislative Committee. At its meeting on December 6, 2007, the Executive Committee voted to assume the duties and responsibilities regarding SCAG's legislative policies and activities and to seek approval from the Regional Council of amendments to the Legislative Protocol to provide for the Executive Committee to carryout those functions.

During sessions of the California State Legislature and Congress a quick response is often needed to address legislative matters. A primary role of the Executive Committee regarding legislative matters, therefore, would be to make decisions on bill positions and levels of advocacy when time constraints or other considerations precluded a timely Regional Council decision. Staff conferred with both the Chief Counsel and General Counsel and was advised that, without amendment to the SCAG BYLAWS, the Executive Committee is the only body currently empowered to take action on behalf of the association between meetings of the Regional Council. Article V A (9) (c) (1) of the SCAG BYLAWS states:

Subject to the policy established by the General Assembly and Regional Council, and in the event that the Executive Committee determines by majority vote that there is a need to take immediate action prior to the next regular meeting of the Regional Council, the Executive Committee shall be authorized to make decisions and take actions that are binding upon the Association.

Based on the advice of Counsel and the existing provisions of the SCAG BYLAWS, staff recommended that the Executive Committee assume the functions of the proposed SCAG Legislative Committee. Staff further recommended that the Executive Committee, after assuming such functions for a period of time, reconsider if, because of workload or other considerations, it should form a subcommittee or separate Legislative Committee to carry out the functions of Legislative Committee.

Meetings and Duties

The Southern California Association of Governments carries out its legislative activities under the provisions of a Legislative Protocol. That protocol, which in past years was included in each year's State and Federal Legislative Program, was adopted as part of the SCAG Policy Manual by the Regional Council at its July 12, 2007 meeting. Staff recommended that the Legislative Protocol section of the SCAG Policy Manual be amended to include the following provisions relating to the duties of the Executive Committee:

Meetings

Staff recommended that meetings be held at least once a month in conjunction with Executive Committee meetings. Additional meeting, possibly by conference calls, may be needed during sessions of Congress or the California State Legislature. The meetings could be attended by SCAG legislative staff, and, usually by conference call, by SCAG state and federal lobbyists who will provide updates and advice as needed. The lobbyists, by contract, are required to make two oral reports to the Regional Council each calendar year.

Duties

- Oversee formulation and content of Legislative Program in fall of each year.
- Provide direction (including message content, dates, participants, etc.) on SCAG advocacy trips to Washington, D.C. and Sacramento.
- With input from senior management, legislative staff and other SCAG staff as needed, and the policy committees and the Regional Council, select bills to include in legislative matrix for policy committee and RC.
- With input from senior management, legislative and policy staff and members of SCAG task forces, policy committees and the Regional Council, suggest bills to present to policy committees including suggested positions. Existing practice, as outlined in the SCAG legislative protocol, relating to workshops on legislation for policy committees, would continue.
- Guide the course of action for legislative advocacy for bills on which the SCAG Regional Council has taken a position.

REPORT

- Make decisions on bill positions and levels of advocacy when time constraints or other consideration preclude a Regional Council hearing and approval for the SCAG position. Bill positions made in these cases would be reported to the following meeting of the Regional Council. Under existing legislative protocol these decisions may be made by the Executive Director upon consultation with the President.
- Provide guidance on the annual renewals of the state and federal lobbyists' contracts and serve as the screening panel for the selection of new state and federal lobbyists firms.


FISCAL IMPACT:

All work related to this item is contained within the adopted FY 07/08 budget, WBS# 08-810.SCGS1.

Reviewed by:


Division Manager

Reviewed by:


Department Director

Reviewed by:


Chief Financial Officer

ARTICLE XII: REGIONAL COUNCIL LEGISLATIVE PROTOCOL

(Amended December 1, 2005; Adopted December 4, 2003)

Draft changes on 12/7/2007

Section 1: General Provisions

- 1.1 SCAG employs the services of contract lobbyists in Washington, DC and Sacramento.
- 1.2 Contacts with the federal and state lobbyists are coordinated through the Manager of Legislative Affairs.
- 1.3 The lobbyists work with SCAG to implement the Legislative Program and to coordinate visits to Washington, DC and Sacramento by Regional Council Members for the purpose of meeting with elected and appointed officials of the executive and legislative branches of the federal and state government.
- 1.4 The budget for Government Affairs advocacy activities is provided through General Fund revenues. Federal law prohibits the use of federal funds for lobbying purposes.
- 1.5 Retainers and expenses for both the federal and state legislative advocates are contained within the annual Overall Work Program adopted by the Regional Council.
- 1.6 SCAG's advocacy efforts are coordinated with the county transportation commissions, cities, counties, tribal governments, sub-regional organizations, the Ports of Long Beach and Los Angeles, Los Angeles World Airports, South Coast Air Quality Management District and other entities to ensure the maximum efficacy.
- 1.7 The Regional Council, with direction from the Executive Committee establishes SCAG's official policies on all legislative or regulatory matters.
- 1.8 SCAG staff and its state and federal lobbyists operate according to the Legislative Program approved annually by the Regional Council.

Section 2: Executive Committee Regarding Legislative Matters

- 2.1 Policy guidance for SCAG's legislative program is provided by the Executive Committee.

2.2 Meetings of the Executive Committee concerning legislative matters may be held during regularly scheduled meetings of the Executive Committee. Additional meetings may be held during sessions of the State Legislature or Congress or when meetings related to legislative matters are required. Such meetings shall be attended by legislative staff and may be attended when required by SCAG's federal or state lobbyists. Attendance by SCAG lobbyists may be by telecommunications. In person attendance may be required in accordance with the SCAG contracts with the lobbyists.

2.3 Regarding legislative matters the Executive Committee shall:

A. Oversee formulation and content of Legislative Program in fall of each year.

B. Provide direction including message content, dates, and participants for SCAG advocacy trips to Washington, D.C. and Sacramento.

C. Select bills to include in the legislative matrix for consideration by policy committees and the Regional Council.

D. Recommend bills to present to policy committees including suggested positions. The Regional Council shall take final positions.

E. Guide the course of action for legislative advocacy.

F. Provide guidance on the annual renewals of the state and federal lobbyists' contracts, including the scope of work for the contracts.

G. Serve as the screening panel for the selection of new state and federal lobbyists firms.

Section 3: Policy Review and Action

3.1 With guidance from the Executive Committee, SCAG legislative staff shall communicate to legislators, administrators and others SCAG's positions on bills, constitutional amendments, and other matters when germane Regional Council policy exists.

3.2 If no germane Regional Council policy exists or it is unclear whether an adopted policy is on-point, the Executive Committee shall direct legislative staff to process legislation and other related matters as follows:

A. If the legislation or other matter falls under the purview of a task force or sub committee and time permits, it shall be presented to the task force or sub committee first.

- B. Legislation or other matters first heard in a task force or sub committee shall be referred to the appropriate policy committee for consideration. If no relevant task force exists, the legislation or other matter shall be submitted to the appropriate policy committee.
 - C. Not less than one month after a policy committee has considered and recommended a position on legislation or other matters, the matter shall be brought to the Regional Council for adoption of a formal position.
 - D. Legislation may be referred to more than one task force or sub committee and one committee at the direction of the Executive Committee.
 - E. The Executive Committee may direct legislative staff to refer legislation directly to the Regional Council because of its critical nature or the time constraints of federal or state legislative calendars.
 - F. The Executive Committee may direct legislative staff to bring legislation to the Regional Council the same day it is considered by a policy committee because of the critical nature of the legislation or the constraints of the federal or state legislative calendars.
 - G. Regional Council, policy committee, and task force members desiring Regional Council action on legislative or other matters not directly contained within the Legislative Program shall direct their requests to the Executive Committee.
 - H. If the Executive Committee approves the request, SCAG legislative staff shall process the legislative or other matter in the manner outlined above.
- 3.3** Upon the adoption of a position by the Regional Council, SCAG legislative staff shall consult members of the Executive Committee and determine the appropriate course of action to be taken.
- 3.4** SCAG legislative staff shall present one of the following recommendations to Executive Committee members.
- A. **For legislative or other matters contained within the Legislative Program or directly related to SCAG's statutory responsibilities:**
In addition to position letters and legislative tracking and interaction as described below, SCAG legislative staff shall, at the direction of the Executive Committee, coordinate advocacy visits to Sacramento or Washington, DC, for Regional Council members and/or SCAG management to meet with key policy makers and/or interested stakeholders and/or relevant grass roots organizations. The Executive Committee may also direct or approve other advocacy techniques including letters to the editor, Op Ed pieces, action alerts and other advocacy efforts.

- B. **For legislative or other matters not contained within the Legislative Program, but considered traditional SCAG issues:** In addition to a position letter to the author and legislative tracking by SCAG legislative staff and lobbyists, position letters shall be mailed to the appropriate legislative leadership, key legislators, and executive branch agency officials. SCAG legislative staff and lobbyists shall interact with these persons to offer amendments, present testimony, fill information requests, or participate in working groups. The Executive Committee may also direct or approve other advocacy techniques including letters to the editor, Op Ed pieces, action alerts and grass route advocacy efforts.
- C. **For legislative or other matters not contained in the Legislative Program, not traditionally considered SCAG issues, or not related to SCAG's statutory responsibilities:** A position letter shall be delivered to the author's office to be filed on record. SCAG legislative staff and lobbyists shall monitor the progress of the matter and alert the Regional Council to any changes detrimental to SCAG's interest. The Executive Committee may also direct or approve other advocacy techniques including letters to the editor, Op Ed pieces, action alerts and grass route advocacy efforts.
- D. **Exceptions:** When constraints of the federal or state legislative calendars or other considerations preclude a decision or response from a regular meeting of the Regional Council on a legislative matter, the Executive Committee may make decisions on bill positions and levels of advocacy. SCAG legislative staff shall seek guidance and offer alternative recommendations in those cases. Actions taken in those cases shall be reported to the next meeting of the Regional Council.

3.5 For legislative or other matters contained within the Legislative Program or directly related to SCAG's statutory responsibilities:

In addition to position letters and legislative tracking and interaction as described below, SCAG legislative staff shall, at the direction of the Executive Committee, coordinate advocacy visits to Sacramento or Washington, DC, for Regional Council members and/or SCAG management to meet with policy makers and/or interested stakeholders and/or relevant grass-roots organizations. The Executive Committee may also direct or approve other advocacy techniques including letters to the editor, Op Ed pieces, action alerts and other advocacy efforts.

3.6 To facilitate the implementation of the Legislative Program, SCAG legislative staff shall coordinate workshops with policy committees early in the legislative calendar to review introduced bills and constitutional amendments and narrow SCAG's legislative focus.

- 3.7 Throughout sessions of the state legislature, SCAG legislative staff shall present legislative matrices to the policy committees and the Regional Council. In preparing the matrices, the staff shall review measures of interest to the policy committee and the Regional Council being tracked by various organizations including those representing cities, counties, and councils of governments and transportation commissions. Staff shall also seek the recommendations of its Sacramento and Washington lobbyists and other sources in preparing the matrices.
- 3.9 Legislative matrices shall be updated monthly when Congress and the state legislature is in session. Listings of SCAG positions on legislation and related policy initiatives including actions taken in response to those positions shall be maintained by legislative staff and included in the matrices.